

ORIGINAL



0000142269

BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

AZ COMPTROLLER
DOCKET CONTROL

DOCKETED

FEB 12 2013

2013 FEB 12 AM 10 26

DOCKETED BY

IN THE MATTER OF THE COMPLAINT OF
KENNETH LUTTRELL,

DOCKET NO. W-02479A-08-0034

COMPLAINANT,

vs.

LORD ARIZONA WATER SYSTEMS, INC.,

RESPONDENT.

PROCEDURAL ORDER

BY THE COMMISSION:

On January 15, 2008, Kenneth Luttrell ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Lord Arizona Water Systems, Inc. ("Respondent").

On May 22, 2008, a Status Conference was held, during which the parties related that a bench trial on the parties' civil matter had been set in Apache County Superior Court for September 11, 2008. The parties agreed to set this matter for a Status Conference after the trial's completion.

On October 7, 2008, another Status Conference was held, during which the parties indicated that the September 11, 2008, trial had been vacated and a status conference was scheduled for November 2008. The parties requested that a Status Conference be set in this matter after that time.

On January 21, 2009, a third Status Conference was held, during which the parties discussed the status of the Complaint and agreed that the Complainant would file a Status Report with the Commission, or, if the issues underlying the Complaint had been resolved, then the Complainant would file a Motion to Withdraw Complaint.

On December 21, 2009, the Complainant filed a Request for Status Conference and, pursuant to a Procedural Order filed December 23, 2009, a Status Conference was held on January 28, 2010.

1 During the Status Conference, the parties indicated that the matter was tentatively resolved and they
2 anticipated filing a motion to withdraw the Complaint.

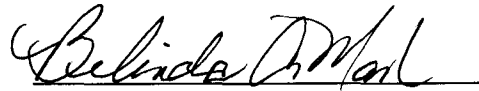
3 On April 2, 2012, a Procedural Order was docketed directing the Complainant to file either a
4 Status Update or a motion to withdraw the Complaint no later than April 27, 2012.

5 As of the date of this Procedural Order, the Complainant has not complied with the April 2,
6 2012, Procedural Order and has not filed any other documents. Accordingly, because of the
7 Complainant's failure to comply or further pursue the matter, the Complaint should be dismissed.

8 IT IS THEREFORE ORDERED that **Docket No. W-02479A-08-0034, In the Matter of the**
9 **Formal Complaint of Kenneth Luttrell, Complainant, vs. Lord Arizona Water Systems, Inc.,**
10 **Respondent, is here by dismissed without prejudice.**

11 IT IS FURTHER ORDERED that the Complainant may re-file the Complaint, but only upon
12 a showing of good cause.

13 DATED this 17th day of February, 2013.

14 
15 BELINDA A. MARTIN
16 ADMINISTRATIVE LAW JUDGE


17 Copies of the foregoing mailed
18 this 17th day of February, 2013, to:

19 Michael Blair, Esq.
20 BLAIR, WILLIAMS & GREER
21 6225 North 24th Street, Suite 125
22 Phoenix, Arizona 85016

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

23 Douglas E. Brown, Esq.
24 BROWN & BROWN LAW OFFICES, P.C.
25 P.O. Box 489
26 Eagar, Arizona 85925

27 Janice Alward, Chief Counsel
28 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

By: 
Belinda A. Martin